

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-02 INR-10
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R 261140Z MAY 78
FM AMCONSUL STUTTGART
TO SECSTATE WASHDC 4359
AMEMBASSY BONN
INFO USMISSION USBERLIN
AMCONSUL BREMEN
AMCONSUL DUSSELDORF
AMCONSUL FRANKFURT
AMCONSUL HAMBURG
AMCONSUL MUNICH

UNCLAS STUTTGART 1010

E.O. 11652: N/A
TAGS: PINT, GW
SUBJECT: CDU/CSU LEGAL CONGRESS IN KARLSRUHE

1. AT A LEGAL CONGRESS ("RECHTSKONGRESS", ALSO REFERRED TO AS "RECHTSPOLITISCHER KONGRESS") ORGANIZED BY THE CDU/CSU AND HELD IN KARLSRUHE ON MAY 18-19, THE CDU/CSU LEADERS DECLARED THEMSELVES OPPOSED TO A BURGEONING BUREACUCRACY AND TO AN INCREASING NUMBER OF LAWS. ACCORDING TO PRESS ACCOUNTS, CDU FEDERAL CHAIRMAN HELMUT KOHL SAID THE CDU WAS OPPOSED TO TRYING TO ATTAIN THE IDEALS OF EQUALITY AND INDIVIDUAL JUSTICE BY MEANS OF MONSTROUS PERFECTIONISM IN LEGISLATION. MAJOR LAWS, THAT WERE FINANCIALLY AND BUREAUCRATICALLY THE MOST EXPENSIVE IN THE SOCIAL, ECONOMIC, AND EDUCATIONAL FIELD HAD TO BE REASSESSED TO DETERMINE IF THE INTENDED POLITICAL GOALS WERE ACHIEVED AND WHAT UNEXPECTED AND IN SOME CASES UNDESIRABLE SIDE EFFECTS MAY HAVE BEEN CAUSED BY THE LEGISLATION. KOHL EMPHASIZED THAT THE CDU'S POLICY OF LAW WILL "DECISIVELY WORK AGAINST"

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WHAT HE SAW AS THE PRESENT TREND TOWARD COLLECTIVIZING AND NATIONALIZING MORE FIELDS OF LIFE.

2. IN HIS WELCOMING REMARKS, DELIVERED IN ABSENTIA, CSU CHAIRMAN FRANZ JOSEF STRAUSS SAID THAT ONLY IN A STRONG COUNTRY, COMMITTED TO PRINCIPLES IN CONFORMITY WITH THE RULE OF LAW, COULD FREEDOM OF THE INDIVIDUAL BE GUARANTEED. BAVARIAN

MINISTER OF JUSTICE KARL HILLERMEIER INSISTED THAT "CERTAIN SACRIFICES OF FREEDOM" HAD TO BE EXPECTED FROM THE PEOPLE IF TERRORISM WAS TO BE EFFECTIVELY COMBATTED. REFERRING TO PARAGRAPH 129A OF THE PENAL CODE (TERRORIST ORGANIZATIONS), HILLERMEIER SUPPORTED INCREASING THE MAXIMUM SENTENCE, NOW LIMITED TO 10 YEARS. CONSIDERING THE INCREASE IN GENERAL CRIME HE ALSO ADVOCATED RAISING THE MAXIMUM SENTENCE HERE FROM 15 TO 20 YEARS.

3. ALMOST ALL SPEAKERS ATTACKED THE SPD'S POLICY ON MATTERS OF LAW. WITH REFERENCE TO EMPLOYMENT OF RADICALS IN THE CIVIL SERVICE, KOHL SAID THE CDU DOES NOT FAVOR WITCH HUNTS, AND YOUNG PEOPLE HAVE THE RIGHT TO BE FORGIVEN FOR THEIR ERRORS. HOWEVER, HE SAID, CLEAR CONSTITUTIONAL POSITIONS DO HAVE TO BE TAKEN IF PUBLIC ORDER IS AT STAKE. KOHL ALSO CRITICIZED THE CAMPAIGN AGAINST THE SO-CALLED "BERUFSVERBOT" AND HE SAW THE CURRENT ATTACKS AGAINST BADEN-WUERTTEMBERG MINISTER-PRESIDENT FILBINGER AND THE "BERUFSVERBOT" AS A PERVERSION OF PARTISAN POLITICS (SEE STUTTGART 1007).

4. AT THE CLOSING SESSION OF THE CONGRESS ON MAY 19, RHINELAND-WESTPHALIAN JUSTICE MINISTER OTTO THEISEN STRESSED THAT CDU'S EFFORTS TO WORK CLOSELY, NONETHELESS, WITH THE SPD AND FDP DESPITE WHAT HE CALLED SOME NEGATIVE EXPERIENCES. THEISEN STATED THAT IN THE FUTURE THE LAW MUST REMAIN THE DETERMINING INFLUENCE FOR THE GROWTH OF A DEMOCRATIC AND SOCIAL STATE. HE SUGGESTED THAT HENCEFORTH THE THREE PARTIES WORK TOGETHER, UNCLASSIFIED

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FOR EXAMPLE, ON SEEKING TO REDUCE THE INFLUENCE OF THE PRODUCERS ("PROGRAMM-MACHER") OVER RADIO AND TV PROGRAMMING OR ON IMPROVING MEANS OF PROVIDING LEGAL ASSISTANCE FOR THE UNDER-PRIVILEGED. THEISEN PRAISED THE FEDERAL CONSTITUTIONAL COURT IN KARLSRUHE FOR DECISIONS IT HAD TAKEN ON POLITICALLY IMPORTANT CONSTITUTIONAL ISSUES CONTRARY TO THE VIEWS OF THE COALITION PARTIES IN THE BUNDESTAG. THEISEN ADDED THAT IT WAS VERY DISTRESSING FOR GERMAN CONSTITUTIONAL DEVELOPMENT THAT THE SPD FELT OBLIGED TO DIRECT CRITICISM AT THE HIGHEST COURT.

5. GERMAN REUNIFICATION ALSO CAME IN FOR DISCUSSION AT THE CONGRESS. HANS KLEIN, BUNDESTAG DEPUTY, CITED A POLL TAKEN BY THE WICKER-INSTITUTE AMONG A "REPRESENTATIVE GROUP OF GERMANS" LIVING IN THE GDR: 52 PERCENT HAD SUPPORTED REUNIFICATION UNDER NON-SOCIALIST PREMISES. THE CONGRESS, ACCORDING TO THE PRESS, EMPHASIZED THAT THE FEDERAL GOVERNMENT WAS OBLIGATED TO ADHERE AND TO ENUNCIATE A POLICY OF GERMAN REUNIFICATION. ONE POINT OF CONTROVERSY CENTERED ON FRG AND DDR CITIZENSHIP, WITH THE VIEW BEING EXPRESSED THAT IN CONSULAR TREATIES WITH THIRD COUNTRIES THE FRG SHOULD BE AUTHORIZED ALSO TO REPRESENT CITIZENS OF THE GDR WHO SO REQUEST.

6. IN A CLOSING SPEECH CARL CARSTENS, PRESIDENT OF THE BUNDESTAG,
CAME OUT IN FAVOR OF ELABORATION OF A EUROPEAN BASIC LAW.HOFFMANN

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